

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: EX PARTE APPLICATION OF
WILLWAY CO., LTD.,

Applicant.

Case No. 22-mc-80310-BLF

**ORDER GRANTING WILLWAY'S
MOTION TO COMPEL GOOGLE'S
COMPLIANCE WITH SUBPOENA**

[Re: ECF 6]

Applicant Willway Co., Ltd. ("Willway") moves to compel Google LLC ("Google") to comply with a subpoena for production of documents. *See* Mot. to Compel, ECF 6. Google has not filed a response to the motion. The Court finds the motion suitable for decision without oral argument and the hearing previously set for July 27, 2023 is VACATED. *See* Civ. L.R. 7-1(b). Willway's motion to compel is GRANTED for the reasons discussed below.

Willway, a Japanese corporation, commenced this action by filing an *ex parte* application to authorize foreign discovery pursuant to 28 U.S.C. § 1782. *See Ex Parte Applic.*, ECF 1. Willway seeks limited discovery from Google to identify an anonymous individual who published an allegedly false and damaging YouTube video about Willway's business. *See id.* Willway intends to file suit against the individual once the individual's identity is discovered. *See id.* This Court granted Willway's *ex parte* application, thereby authorizing Willway to serve Google with a subpoena for production of documents. *See Order Granting Ex Parte Applic.*, ECF 5.

According to Willway, the document subpoena was served on Google but Google failed to respond. Willway's counsel, Carlos Makoto Taitano, submits a declaration stating that both the order granting Willway's *ex parte* application and the subpoena authorized by this Court were

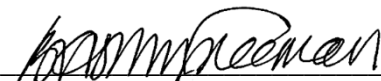
served on Google. *See* Taitano Decl. ¶ 4 & Exs. A-B, ECF 6-1. Mr. Taitano communicated with Google numerous times regarding the subpoena, as evidenced by the email strings attached to his declaration. *See id.* ¶¶ 5-13 & Exs. C-K. Google indicated that it would respond to the subpoena but it never did so. *See id.* Mr. Taitano states that Google did not produce any of the requested documents, did not serve objections, and did not move to quash the subpoena. *See id.* ¶ 15.

Willway now asks this Court to compel Google's compliance with the subpoena. *See* Mot. to Compel. Willway has filed a Proof of Service indicating that Google was served with the motion to compel. *See* POS, ECF 7. Google has not filed a response to the motion. Absent opposition, and for good cause shown, Willway's motion to compel Google's compliance with the subpoena is GRANTED

ORDER

- (1) Willway's motion to compel Google's compliance with the subpoena is GRANTED; Google shall produce documents responsive to the subpoena by August 18, 2023.
- (2) The hearing on Willway's motion, previously set for July 27, 2023, is VACATED.
- (3) This order terminates ECF 6.

Dated: July 18, 2023


 BETH LABSON FREEMAN
 United States District Judge